

# EXHIBIT 9

**In the Matter Of:**

*CADDO SYSTEMS vs*

*MICROCHIP TECHNOLOGY*

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*LUKE WROBLEWSKI*

*October 13, 2021*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

CADDO SYSTEMS, INC., and )  
511 TECHNOLOGIES, INC. )  
 ) Case No.  
Plaintiffs, ) 6:20-cv-245-ADA  
vs. )  
 )

MICROCHIP TECHNOLOGY, )  
INCORPORATED, )  
 )  
Defendant. )

-----X  
CADDO SYSTEMS, INC., and )  
511 TECHNOLOGIES, INC. )  
 ) Case No.  
Plaintiffs, ) 6:20-cv-244-ADA  
vs. )  
 )

NXP SEMICONDUCTORS N.V., et )  
al., )  
Defendants. )

-----X

VIDEOTAPED ORAL DEPOSITION OF

LUKE WROBLEWSKI

Conducted Remotely

Wednesday, October 13, 2021

9:05 a.m. (PST)

Stenographically remotely reported by:  
Mayleen Ahmed, RMR, CRR, CRC, CSR/CCR  
Job No.: 814276

Remote Appearances Via Lexitas LegalView

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ADRIAN BELTRAN, Videographer/Doc Tech, Lexitas

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WITNESS: LUKE WROBLEWSKI

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----- DOCUMENT/INFORMATION REQUESTS -----

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Date the breadcrumb drop-down navigation structure was live on lukew.com web page	212

----- EXHIBITS -----

DEFENDANT'S		
EXHIBIT	DESCRIPTION	PAGE
Exhibit 1	Metadata [Native Excel]	16
Exhibit 2	LinkedIn profile	19
Exhibit 3	Copy of "Site-Seeing: A Visual Approach to Web Usability" (MCHP-CADDO_0010195 - 10556)	30
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DEFENDANTS'

EXHIBIT	DESCRIPTION	PAGE
Exhibit 5	Draft print of "Site-Seeing: A Visual Approach to Web Usability," "Chapter 2 - You Need a Plan: Preparing for Content" [Native .doc file) (LW_0013)	46
Exhibit 6	(Excerpt) Breadcrumb Drop-down figure from "Site-Seeing"	92
Exhibit 7	(Excerpt) Breadcrumb Drop-down excerpt from "Site-Seeing" with "Active Link" add-on	96

----- EXHIBITS -----

PLAINTIFF'S

EXHIBIT	DESCRIPTION	PAGE
Exhibit P1	Scan of "Site-Seeing" Chapter Two - "You Need a Plan: Preparing for Content," (24pp)	110
Exhibit P2	Amazon.com "Site-Seeing" pdf book info (native txt. file.)	111
Exhibit P4	9/28/21 email chain to/from LukeW and Travis Jensen re: "Site Seeing - Breadcrumb Drop Down Menu" (35pp)	162
Exhibit P9	Breadcrumb Drop-down demonstrative (original PNG file)	191

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1 DEPOSITION OF LUKE WROBLEWSKI - October 13, 2021

2 -----

3 THE VIDEOGRAPHER: We are on the record  
4 on October 13, 2021 at approximately 9:05 a.m.  
5 Pacific time for the remote video deposition of Luke  
6 Wroblewski in the matter of Caddo Systems, Inc., and  
7 511 Technologies, Inc., versus Microchip Technology,  
8 Inc.

9 My name is Adrian Beltran, and I am the  
10 videographer and document technician for today.

11 Now, will counsel please introduce  
12 themselves for the record, beginning with the party  
13 noticing this proceeding.

14 MS. MAO: This is Lillian Mao of Orrick  
15 Herrington & Sutcliffe on behalf of Microchip.

16 MS. McCARTY: This is Veronica Schad on  
17 behalf of plaintiff, Caddo Systems, from Devlin Law  
18 Firm.

19 MR. SHELTON: And Barry Shelton of  
20 Shelton Colburn LLP, representing NXP USA, Inc.

21 MR. JENSEN: We also have Travis Jensen  
22 from Orrick Herrington & Sutcliffe for Microchip, as  
23 well as virtually, in-house counsel, Chris  
24 Mierzejewski from Microchip.

25 MR. CHAN: And also, Alex Chan on behalf

1 of the plaintiffs, Devlin law firm.

2 THE VIDEOGRAPHER: Thank you. Will the  
3 court reporter please swear in the witness.

4 THE REPORTER: Good morning. My name is  
5 Mayleen Ahmed, with Lexitas. The reporter is  
6 currently sitting in the state of Texas; the witness  
7 is currently sitting in California. So in  
8 proceeding today, the parties agree and stipulate  
9 that the court reporter shall administer the oath  
10 and take down the deposition stenographically from a  
11 remote location; that the witness is testifying  
12 under the penalty of perjury as if sworn in person;  
13 and that the deposition will be admissible in court  
14 as if it had been taken following the Federal Rules  
15 of Civil Procedure, or the state's rules where this  
16 case is pending, the State of Texas.

17 Before we proceed, I will ask counsel  
18 present to state their agreement to the above  
19 stipulation or state if there is any objection.

20 MS. MAO: Yes, so stipulated.

21 MS. McCARTY: So stipulated.

22 MR. SHELTON: So stipulated for NXP USA.

23 THE REPORTER: Hearing no objection, if  
24 you could please raise your right hand.

25 Do you solemnly swear under penalty of



1 perjury that you are Luke Wroblewski, and the  
2 testimony you are about to give in the matter now  
3 pending shall be the truth, the whole truth, and  
4 nothing but the truth?

5 THE WITNESS: I do.

6 THE REPORTER: Thank you.

7 Counsel, we may begin.

8 MS. MAO: Thank you.

9 -----

10 LUKE WROBLEWSKI

11 having been duly sworn, testified as follows:

12 -----

13 EXAMINATION

14 BY MS. MAO:

15 Q. Good morning, Mr. Wroblewski. My name  
16 is Lillian Mao. As I just said, I represent  
17 Microchip, which is one of the defendants, and I'll  
18 be asking you some questions today.

19 Just to begin, could you please state  
20 your full name for the record.

21 A. Sure. My name is Luke Wroblewski.

22 Q. And what current -- what city do you  
23 reside in?

24 A. Los Gatos, California.

25 Q. And where are you currently employed?

1 Q. Exhibit 5 has been introduced in this  
2 case with the Bates number LW\_0013.

3 Are you able to see and open that file?

4 A. I'm opening it now.

5 Yes, I have it open.

6 Q. Is this a draft of Chapter 2 of your  
7 "Site-Seeing" book?

8 A. Yes, it is.

9 Q. Do you know whether this is the final  
10 draft?

11 A. It would take me a little bit of time to  
12 say whether it's the final draft or not. But it  
13 looks mostly complete, yes.

14 Q. And maybe it's a little easier, I'm  
15 going to actually flip back and share Exhibit 1,  
16 which was that metadata.

17 A. Uh-hmm.

18 Q. If you look at the row 14, it has the  
19 Bates number of Exhibit 5, which is LW\_13. And we  
20 can see that -- as it was provided to us, it was in  
21 folder called "Final Word File."

22 Does that help?

23 A. Yeah. That definitely helps. That  
24 would be, if it's in the final Word files folder and  
25 it's labeled "Final," that is the final document

1 that got shared with the both the publisher and also  
2 the design team to do the layout.

3 Q. The name of the file is  
4 "Chapter2\_020802\_final.doc."

5 Can you explain your naming conversion  
6 here?

7 A. That would be the time at which we sort  
8 of stamped it as final. So the way the iterations  
9 worked is, when it was, you know, sent over, I would  
10 put the date on the file. And when I say "sent  
11 over," I mean, to both the publisher and graphic  
12 design team.

13 And this is also how we would kind of  
14 keep track of versioning. 'Cause, again, you know,  
15 step backwards 20 years, those were -- you would use  
16 file names oftentimes back then to -- we didn't have  
17 version control systems and things like this as part  
18 of our workflow, so you would use the file name.

19 You can also see we had to, like,  
20 underscore things 'cause back then you couldn't put  
21 spaces within file names either.

22 Q. Am I understanding the date format  
23 correctly, that this would refer to February 8,  
24 2002?

25 A. Yes. That would be February 2, 2002.

1 Q. If you look at the "Last Modified Date"  
2 column, that has a date in April, early April 2002.

3 A. Uh-hmm.

4 Q. Do you know what that reflects?

5 A. There may be like -- as with all  
6 files -- right? -- there may be small things that  
7 happened to the files as the process of transferring  
8 them or editing them in like a minor way that would  
9 update that last modified date.

10 So what I interpret that discrepancy as,  
11 the file was finalized in terms of content on  
12 February 8, 2002, and sent over as such. And then,  
13 over the course of the next two months, as perhaps  
14 it moved from one drive to another or, you know, a  
15 slight modification of formatting things or  
16 something like that happened, the last modified date  
17 may have been updated.

18 Q. Is it fair to say you would consider  
19 February 2002 the time that you finished writing the  
20 chapter?

21 A. Yes. I will -- actually, let me take a  
22 step back. It was probably before then. I would  
23 consider February 8, 2002 at the time I developed  
24 the final document version of it and sent it over  
25 for the publisher and for graphic design work. It

1 may have been completed a few days before then and  
2 it sat there until I actually packaged it up and  
3 sent it over.

4 Q. Thanks for clarifying.

5 Do you have -- do you have a copy of the  
6 file on your computer with you?

7 A. Yes, I can pull it up. So this is  
8 Chapter 2, 2008, 2002. Let me take a look.

9 Okay. I have a folder also here titled  
10 "Final Word files," and I have a Chapter 2, 2008.  
11 sorry. February 2 -- February 8, 2002 final.doc.  
12 Yes, I have it open.

13 Q. And are you able to determine what the  
14 creation date is in the metadata on your version of  
15 this file?

16 A. Well, again, full disclosure, I am  
17 looking at the file that I have uploaded to Dropbox  
18 for you all. I'm not looking at the file that I  
19 originally pulled this from off of the FireWire  
20 drive.

21 Q. Okay.

22 A. I see here the date created is  
23 February 8, 2002, 10:30 a.m. and the date modified  
24 is April 4, 2002, 12:08 p.m.

25 Q. Thank you.

1 should these things actually work? And which of the  
2 patterns and conventions are the ones that will  
3 stick around the most -- right? -- and get most  
4 widely adopted, and which ones should I use on my  
5 sites based off of that combination of usability and  
6 familiarity and effectiveness.

7 Q. When did you first come up with this  
8 idea of combining the breadcrumb with the drop-down?

9 A. You know, it's a good question. And I  
10 was flipping through my notes to the book, and I  
11 actually found, back in the chapter outline here --  
12 (demonstrating) -- when I was doing the outline for  
13 the book prior to publishing it, there is a little  
14 bullet here. It says, "Dynamic breadcrumb:  
15 generic/luke.com," and then above it, "Cascading  
16 Menu," "Dynamic Menu," "Breadcrumb," "NCSA."

17 So during the time of outlining the book  
18 and thinking through what content would be in it, I  
19 had called it a "Dynamic breadcrumb" and written it  
20 down as -- as a kind of example that I would like to  
21 include in the book.

22 So that would have been in the early  
23 phases of putting together the outline of the book  
24 prior to actually writing the chapter.

25 Q. Did you come up with that idea yourself

1 the -- after "Home," right?

2 A. Yes.

3 Q. So it shows "Folio," then "Web Sites,"  
4 and then the "Silver Wrapper Productions." Do you  
5 see that -- those links?

6 A. Yes.

7 Q. So get to "Silver Wrapper Products,"  
8 would the user have needed to click on "Folio" and  
9 then "Web Sites" in the general menus to create this  
10 path?

11 A. They wouldn't have had to click on that,  
12 no. They could have tapped on a link that says  
13 "Silver Wrapper Productions" on, for example, the  
14 home page, and then dropped directly into this page.

15 Q. Is that a net -- is it a web --  
16 Could the user have gotten to this  
17 breadcrumb by clicking on "Folio," and then "Web  
18 Sites," and then "Silver Wrapper Productions"?

19 A. Yes.

20 Q. Okay. And this example on page 59, you  
21 said this is the only example of dynamic breadcrumbs  
22 in your book, right?

23 A. That was published, yes.

24 In the Images folder that I provided,  
25 there was a number of, like, different renderings of

1 what the drop-down menus can be rendered as based  
2 off of what, like, different browsers supported.  
3 But in the published book, these were the images,  
4 yes.

5 Q. And there's no rolling over. I think  
6 you called it hover on. Do you remember using that  
7 term earlier?

8 A. Uh-hmm. Yes. Hovering over.

9 Q. Okay. There is no hovering over  
10 functionality for these images, though, on page 59,  
11 right?

12 A. Yeah, no, it is not depicted in these  
13 images. These are standard drop-down HTML elements  
14 within an order set of links.

15 Q. Could you see it being potentially  
16 useful if you were able to hover over these links  
17 and see the menu items on that level?

18 A. Again, it comes back to me saying, it  
19 depends. Right? In some cases, that would be  
20 useful; in other cases, it could become an  
21 annoyance.

22 Q. Well, in the cases that's useful, why is  
23 it useful?

24 A. It would be useful for kind of -- I  
25 don't want to use the word "forcing." But making it



1 the way it looks as the final image output.

2 Q. Right.

3 A. So this represents part of the process  
4 of going from screenshot to production assay in the  
5 book.

6 Q. But how the image for the book was  
7 created was through -- was through photo -- was  
8 through Photoshop?

9 A. I would say it's a combination of  
10 Photoshop and screenshots of HTML code. There was  
11 no -- like, all these elements were not created from  
12 scratch.

13 They were a screenshot of, like I said,  
14 an existing web page design where I started to  
15 introduce some additional HTML elements, and then  
16 took a screenshot of that and then brought it into  
17 Photoshop to clean it up, remove some of the  
18 elements, and style it a bit differently.

19 Q. Which website were you -- were you  
20 implementing this on?

21 A. lukew.com, my personal website.

22 Q. And did you keep it as it's shown on  
23 page -- as it's shown on page 59 of Exhibit P1, did  
24 you keep it that way after you got your screenshot?

25 A. There is a period of time that I kept it

1 as the image of both, I believe. I can find out  
2 'cause I have renders of the website in a different  
3 folder.

4 Q. If you want to produce that information,  
5 that would be great.

6 A. Okay.

7 Q. Off the top of your head, do you  
8 remember if that was -- it was like this during --  
9 after June 20, 2002?

10 A. From what I remember is I took the  
11 existing website, which is the screenshot you see  
12 here. Right? I opened up that HTML file. I  
13 started modifying it to adapt the breadcrumb to have  
14 this navigational menu rendered as a drop-down. And  
15 then I took a screenshot of that, made some edits.

16 And what I believe was live in  
17 production is the version that you see in the book  
18 in the upper image, where the "Silver Wrapper  
19 Productions" was illustrated as a --  
20 what-you-ma-call-it? It was rendered as a drop-down  
21 menu.

22 Q. And when was that live?

23 A. I would have to look. I don't know.

24 Q. Okay.

25 A. Somewhere around that time frame. But

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

CADD0 SYSTEMS, INC., and	)	
511 TECHNOLOGIES, INC.	)	Case No.
	)	6:20-cv-245-ADA
Plaintiffs,	)	
vs.	)	
	)	
MICROCHIP TECHNOLOGY,	)	
INCORPORATED,	)	
Defendant.	)	
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	)	6:20-cv-244-ADA
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vs.	)	
	)	
NXP SEMICONDUCTORS N.V., et	)	
al.,	)	
Defendants.	)	
	X	

REPORTER'S CERTIFICATION

VIDEOTAPED ORAL DEPOSITION OF LUKE WROBLEWSKI

OCTOBER 13, 2021

I, MAYLEEN AHMED, a Registered Merit  
Reporter, Certified Realtime Reporter, and a Texas  
and California Certified Shorthand Reporter, hereby  
certify to the following:

That the witness, LUKE WROBLEWSKI, was  
remotely duly sworn by me, and that the transcript  
of the oral deposition is a true record of the  
testimony given by the witness;

1 That said proceedings were taken remotely  
2 before me on October 13, 2021, taken down  
3 stenographically at the time therein set forth, and  
4 thereafter transcribed by me;

5 That in accordance with FRCP 30(e), before  
6 completion of the proceedings, review of the  
7 transcript was not requested and signature was  
8 waived by the witness.

9 I further certify that I am neither counsel  
10 for, related to, nor employed by any of the parties  
11 in the action in which this proceeding was taken,  
12 and further that I am not financially or otherwise  
13 interested in the outcome of this action.

14 Certified to by me on this 20th day of  
15 October 2021.

16   
17

18 /s/ MAYLEEN AHMED, RMR, CRR, CRC  
19 Texas CSR No. 9428 - Exp 7/31/23  
20 Washington CCR No. 3402 - Exp 12/29/21  
21 Oregon CSR No. 17-0447 Exp 12/31/23  
22 California CSR No. 14830 Exp 12/31/21  
23 New York Notary Public  
24  
25